UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,477	02/26/2004	Richard D. Dettinger	ROC920040002US1	7008

46797 7590 07/16/2007	**EXAMINER**	
IBM CORPORATION, INTELLECTUAL PROPERTY LAW	DARNO, PATRICK A	
DEPT 917, BLDG. 006-1		
3605 HIGHWAY 52 NORTH	**ART UNIT**	**PAPER NUMBER**
ROCHESTER, MN 55901-7829	2163	

MAIL DATE	DELIVERY MODE
07/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/787,477	DETTINGER ET AL.
	Examiner	Art Unit	
	Patrick A. Darno	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 July 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>26 February 2004 and 04 June 2007</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   No new claims have been added. No claims have been amended. Claims 1-30 are

pending in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

Number 6,366,915 issued to Amy Rubert et al. (hereinafter "Rubert") in further view of U.S.

Patent Application Publication Number 2003/0172082 issued to Jeffrey Benoit et al. (hereinafter

"Benoit").

Claim 1:

Rubert discloses a computer-implemented method for scheduling execution of units of

work, comprising:

determining a cost to execute a unit of work *(Rubert: column 14, lines 4-14; The Rubert reference*

clearly shows determining if a query is a 'high-impact query'. This involves calculating the 'cost' of a query.

Furthermore it should be known for the record that the Applicant clearly stated that determining the 'cost' of a

query is well known in the art in paragraph [0034] of the Applicant's specification.);

determining a plurality of scheduling options for future execution of the unit of work on

the basis of the cost *(Rubert: column 10, line 57 - column 11, line 4 and column 2, lines 26-36; Note*

particularly that future scheduling is based on how high the cost (high impact = high cost) of a query is.), wherein

determining the plurality of scheduling options comprises restricting a larger set of scheduling

options to the determined scheduling options, whereby the scheduling options available for

selection by a user are restricted as a result of the determined cost *(Rubert: column 10, line 57 -*

column 11, line 4 and column 2, lines 26-36).

Rubert does not explicitly disclose wherein the query scheduling options are user-

selectable; and returning the plurality of user-selectable scheduling options to a user interface for

display to a user. However, Benoit discloses wherein the query scheduling options are user-

selectable *(Benoit: paragraph [0016], lines 3-5 and paragraph [0045] and Fig. 9)*; and returning the plurality

of user-selectable scheduling options to a user interface for display to a user *(Benoit: Fig. 9)*.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the teachings of Rubert with the teachings of Benoit noted above. The

skilled artisan would have been motivated to improve the teachings of Rubert per the above such

that a user interface provides the user with flexibility to set saved queries to execute at a

scheduled time interval *(Benoit: paragraph [0016], lines 1-5 and Fig. 9)*.

Claim 2:

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted

above, and Rubert further discloses wherein the unit of work is a query *(Rubert: column 2, lines 57-*

61).

Claim 3:

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted

above, and Rubert further discloses wherein the unit of work is an analysis routine *(Rubert: column*

2, lines 57-61; A query is an analysis routine. The Applicant clearly defines an analysis routing in paragraph

[0026], lines 29-32 of the Applicant's Specification. This definition states that an analysis routine is "any unit of

work performed with respect to the data in the database". Surely a query is a unit of work performed with respect to

the data in the database.).

Claim 4:

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted

above, and Benoit further discloses displaying the returned plurality of user-selectable

scheduling options to user via a menu in the user interface *(Benoit: Fig. 9, 904).*

Claim 5:

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted

above, and Benoit further discloses:

receiving a user selection from the plurality of user-selectable scheduling options *(Benoit:*

paragraph [0045] and Fig. 9, 904; Note specifically "execute automatically at a frequency set by the user". Surely

there is some means to receive a user selection is the user uses the interface menu to 'set' a schedule of execution of a

query.); and

storing a schedule for the unit of work on the basis of the user selection *(Benoit: paragraph*

[0045], lines 1-3).

Claim 6:

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted

above, and Benoit further discloses:

receiving a user selection from the plurality of user selectable scheduling options *(Benoit:*

paragraph [0045] and Fig. 9, 904; Note specifically "execute automatically at a frequency set by the user". Surely

there is some means to receive a user selection is the user uses the interface menu to 'set' a schedule of execution of a

query.);

storing a schedule for the unit of work on the basis of the user selection *(Benoit: paragraph*

[0045], lines 1-3); and

repetitively executing the unit of work on the basis of the schedule *(Benoit: paragraph [0016],*

lines 3-5).

Claim 7:

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted

above, and Rubert further discloses determining the cost to execute the unit of work comprises

estimating a time required to execute the unit of work *(Rubert: column 14, lines 4-14; A high-impact*

query is a query with a high cost. One means of determining a high cost is amount of time it takes a query to run.

Furthermore it is important to note the Applicant admitted that the estimation of the cost of a query is 'well-known'

in the art in paragraph [0034] of the Applicant's Specification.).

Claim 8:

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted

above, and Rubert further discloses wherein determining the cost to execute the unit of work is

done on the basis of historical query execution times for previous executions of the unit of work

(Rubert: column 14, lines 4-14; Note specifically that the Rubert reference analyzes the 'empirical timing' of queries.

The 'empirical timing' is an analysis of historical time values.).

Claim 9:

The combination of Rubert and Benoit discloses all the elements of claim 1, as note

above, and Benoit further discloses wherein determining the plurality of user-selectable

scheduling options selecting a subset of user-selectable scheduling options from a predefined set

of user-selectable scheduling options *(Benoit: paragraph [0045] and Fig. 9, 904; When the user selects a*

scheduling option in the Benoit reference, the user clearly selects a subset (at least one) from a menu full of user-

selectable scheduling options.).

Claim 10:

The combination of Rubert and Benoit discloses all the elements of claim 1, as noted

above, and Rubert further discloses:

determining user parameters specific to the user *(Rubert: column 4, lines 8-19)*; and

determining the plurality of scheduling options for future execution of the unit of work on

the basis of the cost and the user parameters *(Rubert: column 4, lines 8-19 and column 10, lines 57-column*

11, line 4 and column 2, lines 26-36; The user parameters are considered at the beginning of the query scheduling

process.).

Rubert does not explicitly disclose wherein the query scheduling options are user-

selectable. However, Benoit discloses wherein the query scheduling options are user-selectable

(Benoit: paragraph [0016], lines 3-5 and paragraph [0045] and Fig. 9).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the teachings of Rubert with the teachings of Benoit noted above. The

skilled artisan would have been motivated to improve the teachings of Rubert per the above such

that a user interface provides the user with flexibility to set saved queries to execute at a

scheduled time interval *(Benoit: paragraph [0016], lines 1-5 and Fig. 9).*

Claim 11:

The combination of Rupert and Benoit discloses all the elements of claim 10, as noted

above, and Rupert further discloses wherein the user parameters include at least one of a user

status of the user and other units of work already scheduled for execution by the user *(Rubert:*

column 4, lines 8-19 and column 10, lines 57-67; The first reference considers the users status when the system

determines is the user has access to a certain database. And the second reference clearly shows that the system

considers the units of work (queries) that are already scheduled.).

Claim 12:

A computer-implemented method for scheduling units of work, comprising:

determining a cost to execute a unit of work *(Rubert: column 14, lines 4-14; The Rubert reference*

clearly shows determining if a query is a 'high-impact query'. This involves calculating the 'cost' of a query.

Furthermore it should be known for the record that the Applicant clearly stated that determining the 'cost' of a

query is well known in the art in paragraph [0034] of the Applicant's specification.);

determining a system availability to execute the unit of work *(Rubert: column 14, lines 4-14*

and column 2, lines 26-36);

determining a plurality of scheduling options for future execution of the unit of work on

the basis of the cost and system availability *(Rubert: column 10, line 57 - column 11, line 4 and column 2,*

lines 26-36; Note particularly that future scheduling is based on how high the cost (high impact = high cost) of a

query is.), wherein determining the plurality of scheduling options comprises restricting a larger

set of scheduling options to the determined scheduling options, whereby the scheduling options

available for selection by a user are restricted as a result of the determined cost *(Rubert: column 10,*

line 57 - column 11, line 4 and column 2, lines 26-36).

Rubert does not explicitly disclose wherein the query scheduling options are user-selectable; and returning the plurality of user-selectable scheduling options to a user interface for display to a user. However, Benoit discloses wherein the query scheduling options are user-selectable *(Benoit: paragraph [0016], lines 3-5 and paragraph [0045] and Fig. 9); and returning the plurality of user-selectable scheduling options to a user interface for display to a user (Benoit: Fig. 9).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rubert with the teachings of Benoit noted above. The skilled artisan would have been motivated to improve the teachings of Rubert per the above such that a user interface provides the user with flexibility to set saved queries to execute at a scheduled time interval *(Benoit: paragraph [0016], lines 1-5 and Fig. 9).*

Claim 13:

The combination of Rubert and Benoit discloses all the elements of claim 12, as noted above, and Rubert further discloses wherein determining system availability to execute the unit of work comprises accessing a query schedule having entries defined for a plurality of different units of work *(Rubert: column 4, lines 4-7 and column 14, lines 4-14 and column 2, lines 26-36; Surely if the system executes a scheduled query, the system accesses a query schedule.).*

Claim 14:

The combination of Rubert and Benoit discloses all the elements of claim 12, as noted above, and Benoit further discloses:

receiving a user selection from the plurality of user selectable scheduling options *(Benoit: paragraph [0045] and Fig. 9, 904; Note specifically "execute automatically at a frequency set by the user". Surely*

there is some means to receive a user selection is the user uses the interface menu to 'set' a schedule of execution of a

query.);

storing a schedule for the unit of work on the basis of the user selection *(Benoit: paragraph*

[0045], lines 1-3); and

repetitively executing the unit of work on the basis of the schedule *(Benoit: paragraph [0016],*

lines 3-5).

Claim 15:

The combination of Rubert and Benoit discloses all the elements of claim 12, as noted

above, and Rubert further discloses wherein determining the cost to execute the unit of work

comprises estimating a time required to execute the unit of work *(Rubert: column 14, lines 4-14; A*

high-impact query is a query with a high cost. One means of determining a high cost is amount of time it takes a

query to run. Furthermore it is important to note the Applicant admitted that the estimation of the cost of a query is

'well-known' in the art in paragraph [0034] of the Applicant's Specification.).

Claim 16:

The combination of Rubert and Benoit discloses all the elements of claim 12, as noted

above, and Rubert further discloses wherein determining the cost to execute the unit of work is

done on the basis of historical query execution times for previous executions of the unit of work

(Rubert: column 14, lines 4-14; Note specifically that the Rubert reference analyzes the 'empirical timing' of queries.

The 'empirical timing' is an analysis of historical time values.).

Claim 17:

The combination of Rubert and Benoit discloses all the elements of claim 12, as noted

above, and Benoit further discloses wherein determining the plurality of user-selectable

scheduling options selecting a subset of user-selectable scheduling options from a predefined set

of user-selectable scheduling options *(Benoit: paragraph [0045] and Fig. 9, 904; When the user selects a*

scheduling option in the Benoit reference, the user clearly selects a subset (at least one) from a menu full of user-

selectable scheduling options.).

Claim 18:

Rubert discloses a computer readable storage medium containing a program which, when

executed, performs an operation for scheduling execution of units of work, the operation

comprising:

determining a cost to execute a unit of work *(Rubert: column 14, lines 4-14; The Rubert reference*

clearly shows determining if a query is a 'high-impact query'. This involves calculating the 'cost' of a query.

Furthermore it should be known for the record that the Applicant clearly stated that determining the 'cost' of a

query is well known in the art in paragraph [0034] of the Applicant's specification.);

determining a plurality of scheduling options for future execution of the unit of work on

the basis of the cost *(Rubert: column 10, line 57 - column 11, line 4 and column 2, lines 26-36; Note*

particularly that future scheduling is based on how high the cost (high impact = high cost) of a query is.), wherein

determining the plurality of scheduling options comprises restricting a larger set of scheduling

options to the determined scheduling options, whereby the scheduling options available for

selection by a user are restricted as a result of the determined cost *(Rubert: column 10, line 57 -*

column 11, line 4 and column 2, lines 26-36).

Rubert does not explicitly disclose wherein the query scheduling options are user-

selectable; and returning the plurality of user-selectable scheduling options to a user interface for

display to a user. However, Benoit discloses wherein the query scheduling options are user-

selectable *(Benoit: paragraph [0016], lines 3-5 and paragraph [0045] and Fig. 9); and returning the plurality of*

user-selectable scheduling options to a user interface for display to a user (Benoit: Fig. 9).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the teachings of Rubert with the teachings of Benoit noted above. The

skilled artisan would have been motivated to improve the teachings of Rubert per the above such

that a user interface provides the user with flexibility to set saved queries to execute at a

scheduled time interval *(Benoit: paragraph [0016], lines 1-5 and Fig. 9).*

Claim 19:

The combination of Rubert and Benoit discloses all the elements of claim 18, as noted

above, and Rubert further discloses:

determining system availability to execute the unit of work *(Rubert: column 14, lines 4-14 and*

column 2, lines 26-36); and

determining a plurality of scheduling options for future execution of the unit of work on

the basis of the cost and system availability *(Rubert: column 10, lines 57-67 and column 2, lines 26-36;*

Note particularly that future scheduling is based on how high the cost (high impact = high cost) of a query is.).

Rubert does not explicitly disclose wherein the query scheduling options are user-

selectable. However, Benoit discloses wherein the query scheduling options are user-selectable

(Benoit: paragraph [0016], lines 3-5 and paragraph [0045] and Fig. 9).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the teachings of Rubert with the teachings of Benoit noted above. The

skilled artisan would have been motivated to improve the teachings of Rubert per the above such

that a user interface provides the user with flexibility to set saved queries to execute at a

scheduled time interval *(Benoit: paragraph [0016], lines 1-5 and Fig. 9).*

Claim 20:

The combination of Rubert and Benoit discloses all the elements of claim 18, as noted

above, and Benoit further discloses displaying the returned plurality of user-selectable

scheduling options to user via a menu in the user interface *(Benoit: Fig. 9, 904).*

Claim 21:

Claim 21 is rejected under the same reasons set forth in the rejection of claims 10 and 11.

Claim 22:

Claim 22 is rejected under the same reasons set forth in the rejection of claim 5.

Claim 23:

Claim 23 is rejected under the same reasons set forth in the rejection of claim 6.

Claim 24:

Claim 24 is rejected under the same reasons set forth in the rejection of claim 7.

Claim 25:

Claim 25 is rejected under the same reasons set forth in the rejection of claim 8.

Claim 26:

Claim 26 is rejected under the same reasons set forth in the rejection of claim 9.

Claim 27:

Rubert discloses a computer system, comprising:

a schedule indicating when units of work are to be executed *(Rubert: column 10, lines 57-67)*;

a scheduler configured to:

determine a cost to execute a unit of work *(Rubert: column 14, lines 4-14; The Rubert*

reference clearly shows determining if a query is a 'high-impact query'. This involves calculating the 'cost' of a

query. Furthermore it should be known for the record that the Applicant clearly stated that determining the 'cost' of

a query is well known in the art in paragraph [0034] of the Applicant's specification.);

determine a plurality of scheduling options for repetitive execution of the unit of

work on the basis of the cost *(Rubert: column 10, line 57 - column 11, line 4 and column 2, lines 26-36; The*

first reference clearly shows that Rubert suggests scheduling queries so that they can run repetitively. The second

reference clearly shows that future scheduling is based on how high the cost (high impact = high cost) of a query is.),

wherein determining the plurality of scheduling options comprises restricting a larger set of

scheduling options to the determined scheduling options, whereby the scheduling options

available for selection by a user are restricted as a result of the determined cost *(Rubert: column 10,*

line 57 - column 11, line 4 and column 2, lines 26-36).

Rubert does not explicitly disclose wherein the query scheduling options are user-

selectable; and returning the plurality of user-selectable scheduling unit of work to a user

interface for display to a user. However, Benoit discloses wherein the query scheduling options

are user-selectable *(Benoit: paragraph [0016], lines 3-5 and paragraph [0045] and Fig. 9)*; and returning the

plurality of user-selectable unit of work to a user interface for display to a user *(Benoit: Fig. 3)*.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the teachings of Rubert with the teachings of Benoit noted above. The

skilled artisan would have been motivated to improve the teachings of Rubert per the above such

that a user interface provides the user with flexibility to set saved queries to execute at a

scheduled time interval *(Benoit: paragraph [0016], lines 1-5 and Fig. 9)*.

Claim 28:

The combination of Rubert and Benoit discloses all the elements of claim 27, as noted

above, and Rupert further discloses a database against which the units of work are executed

(Rubert: column 2, lines 57-64).

Claim 29:

The combination of Rubert and Benoit discloses all the elements of claim 27, as noted

above, and Rubert further discloses wherein the unit of work is query *(Rubert: column 2, lines 57-64).*

Claim 30:

The combination of Rubert and Benoit discloses all the elements of claim 27, as noted

above, and Rubert further discloses wherein the unit of work is an analysis routine *(Rubert: column*

2, lines 57-67; A query is an analysis routine. The Applicant clearly defines an analysis routing in paragraph

[0026], lines 29-32 of the Applicant's Specification. This definition states that an analysis routine is "any unit of

work performed with respect to the data in the database". Surely a query is a unit of work performed with respect to

the data in the database.).

Response to Arguments

Applicant Argues:

The Examiner nevertheless maintains a rejection. In the Final Office Action the Examiner attempts to
provide elaboration on the basis for the rejection, in part by quoting a portion of Rubert (10:57-11:4) directed to how
Rubert handles high-impact queries. Respectfully, the Examiner's analysis misses the point. The Examiner's
position is premised on the assertion that Rubert teaches the claimed element at issue because Rupert requires a
user to schedule a query for execution at a later time if the query is a high-impact query which cannot be
accommodated at the current time. Respectfully, this position belies a gross misconstruction of Applicant's claims
and suggests a misunderstanding of Rupert. Merely requiring a user to schedule a query for future execution
because the query is a high-impact query is not at all the same as, or even suggestive of, determining user-
selectable scheduling options (i.e., selecting a subset of scheduling options from a superset of scheduling options on
the basis of the execution cost.).

Of particular importance, Applicant's point out that the same user interface button for scheduling query
execution is shown in Figure 1 and Figure 2, and there is absolutely no teaching or suggestion that the options
presented to the user upon clicking on the button vary depending on the cost of a given query being scheduled.

Examiner Responds:

Examiner is not persuaded. With all due respect, the Examiner disagrees with the

Applicant's point of view regarding the Examiner's interpretation of both the Rupert reference

and the Applicant's <u>claimed</u> invention. In fact, the Examiner remains extremely confident that

the Examiner's interpretation of both the cited references and the Applicant's <u>claimed</u> invention

are indeed correct. This interpretation has been made clear on the record in the Examiner's

previous Office Actions, and will not be regurgitated here. Consult the Examiner's Office

Actions mailed 09/25/2006 and 04/03/2007, if needed, to become up to date on the Examiner's

position.

The real issue at hand is the actual limitations that the Applicant is arguing. Very

simply stated, the limitations that the Applicant is arguing are nowhere to be found in the

Applicant's invention <u>as claimed</u>. There is NOTHING in the claim language to suggest the

computer system may dynamically select <u>different</u> scheduling options each time it presents

scheduling options to a user. There is NOTHING in the claim language to suggest that the

query scheduling options are dynamically selected as a subset of a superset of query scheduling

options resulting in different scheduling options being presented to the user. All that is

required is restricting an original larger set of scheduling options to a set of determined user-

selectable scheduling options. And these limitations are clearly found in the cited prior art in

the preceding office action. Again, specific references will not be regurgitated here because the

Examiner has made the record abundantly clear to date.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., 'wherein the

selected querying options can be different each time the scheduling options are presented to a

user') are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See In re Van

Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Because the cited prior art either teaches or suggests each and every element of the

Applicant's claimed invention, and due to the fact that no persuasive arguments have been

presented to the contrary, the rejections given above maintained.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Patrick A. Darno whose telephone number is (571) 272-0788.

The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the

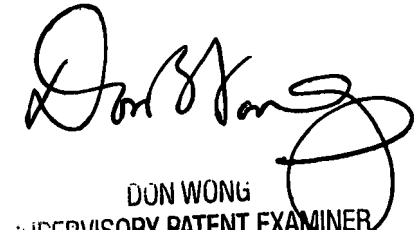organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patrick A. Darno
Examiner
Art Unit 2163

PAD

DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100